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DATE OF DEPOSIT: January 12, 2004  
DOCKET NO: C1039.70057US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg, et al.  
Serial No: 09/965,101  
Confirmation No: 3959  
Filed: September 26, 2001  
For: VECTORS AND METHODS FOR IMMUNIZATION OR  
THERAPEUTIC PROTOCOLS  
Examiner: Dave Trong Nguyen  
Art Unit: 1632

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

01/15/2004 WASFAW1 0000039 09965101

01 FC:1806

180.00 0P

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (Copies enclosed):

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70025US00	10/017,995	12/14/01	Bratzler
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70041US00	10/613,749	7/3/03	Krieg
C1037.70042US00	10/613,524	7/3/03	Krieg
C1037.70043US00	10/613,739	7/3/03	Krieg
C1037.70044US00	10/613,716	7/3/03	Krieg
C1037.70045US00	10/613,228	7/3/03	Krieg
C1037.70046US00	10/445,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70058US00	10/023,909	12/18/01	Davis et al.
C1039.70060US00	10/112,653	3/29/02	Krieg et al.
C1039.70061US00	10/161,229	6/3/02	Krieg et al.
C1039.70062US00	10/187,489	7/2/02	Krieg et al.
C1039.70063US00	10/224,523	8/19/02	Krieg et al.
C1039.70065US00	10/272,502	10/15/02	Krieg et al.
C1039.70067US00	10/300,247	11/20/02	Davis et al.
C1039.70068US00	10/306,522	11/27/02	Krieg et al.
C1039.70069US00	10/314,578	12/9/02	Krieg et al.
C1039.70070US00	10/382,822	3/6/03	Krieg et al.
C1039.70071US00	10/435,656	5/9/03	Krieg et al
C1039.70072US00	10/434,696	5/9/03	Davis et al.
C1039.70073US00	TBD	12/22/03	Krieg et al.
C1039.70075US00	10/613,916	7/3/03	Krieg et al
C1039.70077US00	10/619,279	7/14/03	Krieg
C1039.70078US00	10/627,331	7/25/03	Krieg et al.
C1039.70079US00	10/627,413	7/25/03	Krieg et al.
C1039.70082US00	10/631,676	7/30/03	Krieg et al.
C1039.70083US00	10/690,495	10/21/03	Krieg
C1039.70084US00	10/649,584	8/25/03	Krieg et al.
C1041.70016US00	09/954,987	9/17/01	Bauer et al.
C1041.70019US00	10/140,013	5/6/02	Schetter et al.
C1041.70029US00	10/212,133	8/1/02	Lipford et al.
C1041.70031US00	10/265,072	10/5/02	Lipford
C1041.70035US00	10/373,381	2/24/03	Wagner et al.
C1041.70037US00	10/407,952	4/4/03	Lipford et al.

## Coley Issued

5,663,153	Hutcherson et al.	09-02-1997
5,723,335	Hutcherson et al.	03-03-1998
6,194,388	Krieg et al.	02-27-2001
6,207,646	Krieg et al.	03-27-2001
6,214,806	Krieg et al.	04-10-2001
6,218,371	Krieg et al.	04-17-2001
6,239,116	Krieg et al.	05-29-2001
6,339,068	Krieg et al.	01-15-2002
6,406,705	Davis et al.	06-18-2002
6,429,199	Krieg et al.	08-06-2002
6,653,292 B1	Krieg et al.	11/25/03

## Coley Abandoned but published

Docket Number	Serial Number	Filing Date	Inventor(s)	Pub No.	Pub. Date
C1037.70017US00	09/800,266	3/5/01	Bratzler et al.	US20020156033A1	10/24/02
C1039.70029US00	09/415,142	10/9/99	Krieg et al.	US20030026782A1	2/6/03
C1039.70053US00	09/931,583	8/16/01	Krieg et al.	US20030050263A1	3/13/03

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Arthur M. Krieg, et al., *Applicant*

By: Pat R H Wall  
Patrick R.H. Waller, Ph.D., Reg. No. 41,418  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. C1039.70057US00

Date: January 12, 2004

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FORM PTO-1449A and B (Modified)

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet 1 of 1

APPLICATION NO.:	09/965,101	ATTY. DOCKET NO.:	C1039.70057US00
FILING DATE:	September 26, 2001	CONFIRMATION NO.:	3959
APPLICANT:	Arthur M. Krieg, et al.		
GROUP ART UNIT:	1632		EXAMINER: Dave Trong Nguyen

## U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY

## FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)

## OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		BOYES et al. "DNA Methylation Inhibits Transcription Indirectly via a Methyl-CpG Binding Protein" <i>Cell</i> , Vol. 64, 1123-1134, March 22, 1991, Copyright © 1 991 by Cell Press.	
		BOYES et al. "Repression of genes by DNA methylation depends on CpG density and promoter strength: evidence for involvement of a methyl-CpG binding protein" <i>The EMBO Journal</i> , vol. 11, no. 1, pp. 327-333, 1992.	
		CHIH-LIN HSIEH, "Dependence of Transcriptional Repression on CpG Methylation Density" <i>Molecular and Cellular Biology</i> , Aug 1994, p. 5487-5494	
		KLEMPNAUER, Karl-Heinz, "Methylation-sensitive DNA binding by v-myb and c-myb proteins" Hans-Speemann-Laboratory, Max-Planck-Institute for Immunobiology, Stubeweg 51, D-7800 Freiburg, Germany, pp. 111-115, Received 30 April 1992; accepted in revised form 10 September 1992.	
		SEDEGAH, M. et al. "Protection against malaria by immunization with plasmid DNA encoding circumsporozoite protein." <i>Proc Natl Acad Sci U S A</i> vol. 91:9866-9870, 1994.	

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]



01-13-04

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Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Krieg et al., Applicant*

By: Pat R.H. Wall  
Patrick R.H. Waller, Ph.D.,  
Reg. No.: 41,418  
Wolf, Greenfield & Sacks, P.C.  
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Boston, Massachusetts 02210-2211  
Telephone: (617)720-3500

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